AGENDA

COMMITTEE ON LANDS AND BUILDINGS

February 5, 2008 Aldermen Smith, Gatsas Osborne, M. Roy, J. Roy 5:00 PM Aldermanic Chambers City Hall (3rd Floor)

- 1. Chairman Smith calls the meeting to order.
- 2. The Clerk calls the roll.
- 3. Communication from Keyspan advising that they have completed the environmental clean up of contaminated sediments in the Merrimack River; and advising of the status of the area and that the related asphalt and planting will be applied in the spring of 2008.

Ladies and Gentlemen, what is your pleasure?

4. Communication from Harry Ntapolis, Risk Manager, recommending the adoption of a uniform policy for all street vendors, that their energy source be self contained and that source of power be clean, well maintained and quiet.

Note: Such recommendation based on discussion with City Solicitor & City Clerk Ladies and Gentlemen, what is your pleasure?

5. Communication from Thomas Bowen, Director of Water Works, requesting the Board approve purchase of a 1.03 acre parcel of undeveloped watershed property located east of Proctor Road in Manchester.

(Note: Board of Water Commissioners has approved such purchase.) Ladies and Gentlemen, what is your pleasure?

6. Proposed transfer of city land to Tires Inc. and acceptance of Easement across lot 378-1.

Note: Reports from Assessors, Tax, and Planning requested by Clerk. Ladies and Gentlemen, what is your pleasure?

TABLED ITEMS

7. Communication from Jerry and Mary Derepentigny requesting to purchase property known as Tax Map 440, Lot 9 off Westland Avenue as abutters to the property.

Assessors – awaiting report.

Planning – report enclosed recommending determined surplus and dispose to abutter at fee to be established by the Board of Assessors and possible consideration of taxes due.

Tax Collector – awaiting report.

- 8. Communication from Mayor Guinta requesting staff prepare recommendations relating to placing out to competitive/sealed bid parcels located on Granite Street, Phillippe Cote Way and Seal Tanning parking lot as requested by David Brady of Brady-Sullivan.

 Tabled 08/22/2006; additional updates received in 2007; awaiting further details from MEDO.
- 9. If there is no further business, a motion is in order to adjourn.



KeySpan Energy Delivery 52 Second Avenue Waltham, Massachusetts 02451

December 18, 2007

Henry Thibault, Chair, Lands & Buildings Committee Honorable Board of Mayor and Aldermen City of Manchester One City Hall Plaza Manchester, NH 03101 RECEIVED
DEC 2 1 2007
MAYOR'S OFFICE

RE: Status of Merrimack River Environmental Remediation & River Walk Restoration

Dear Chairman Thibault:

I am pleased to inform you that KeySpan has successfully completed the environmental clean up of contaminated sediments in the Merrimack River. River work concluded on Friday, November 23, 2007, and the River Walk has been restored and reopened for pedestrian use as of last week. Not only was the project completed on schedule, it was highlighted in the New Hampshire Department of Environmental Services November/December 2007 newsletter (attached for your information).

The adjacent river bank has been stabilized, willow tree stakes planted, and the slopes regraded to within three inches of their original grade. Lighting conduit has been reinstalled and the wooden fence reassembled and erected in its prior location (see attached photographs). The access ramp constructed through the River Walk was removed and the backfilled as follows, in accordance with City specifications: An eight inch thick layer of 6 inch-minus stone was placed and compacted, followed by placement of a six inch thick layer of fine gravel backfilled to original grade, and compacted.

The asphalt binder course and top coat will be applied in the spring of 2008, as asphalt plants are currently closed for the winter. Also, due to current unfavorable weather conditions for planting of vegetation, our contractors will be returning in the spring of 2008 to perform the necessary plantings of shrubs, along with the paving. If you have any questions, please do not hesitate to contact me at 781-466-5414 or via e-mail at phaederle@keyspanenergy.com. Thank you again for your assistance in making this project a success.

Very truly yours,

Patricia A. Haederle, CPG, LSP

Attachments

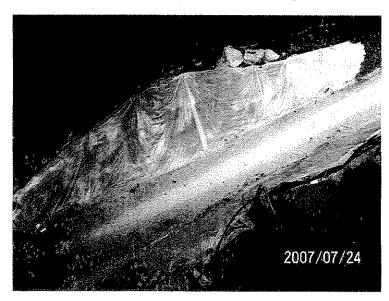
CC:

Mayor Guinta, City of Manchester Jay Minkarah, City of Manchester Dick Webster, MHRAI Dennis Anctil, City of Manchester Peter Copano, City of Manchester Deb Hale, KeySpan

KeySpan Energy Delivery Merrimack River Dredging Project Photos of River Walk During Construction and After Restoration



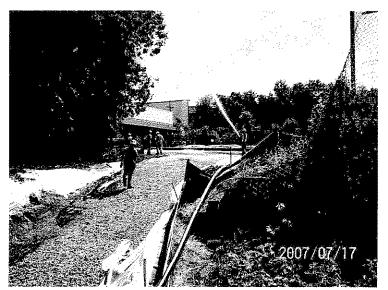
View of ramp through River Walk, July 2007.



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KeySpan Energy Delivery Merrimack River Dredging Project Photos of River Walk During Construction and After Restoration

Page 2 of 3



View from River Walk to former Jac-Pac property, July 2007.

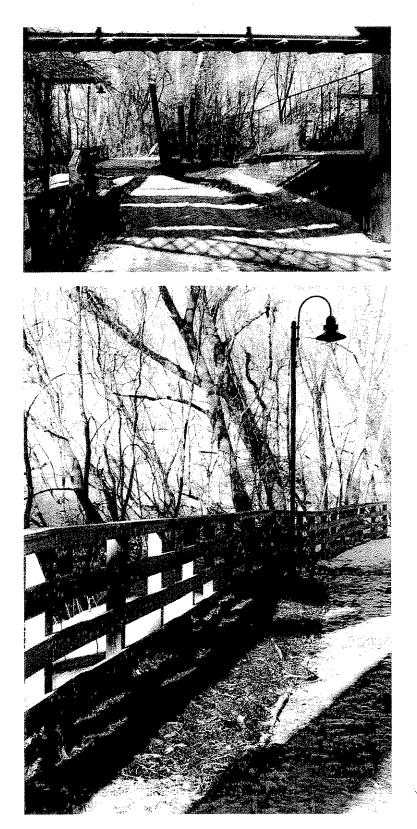


Restored River Walk and former Jac-Pac property, December 2007.

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KeySpan Energy Delivery Merrimack River Dredging Project Photos of River Walk During Construction and After Restoration

Page 3 of 3





Restored River Walk and associated fencing, December 2007.

ENVIRONMENTAL E W 5



Newsletter of the N.H. Department of Environmental Services

November/December 2007

Governor's Message

The Climate Change Task Force

Climate change is a very real, very serious problem facing our state, our nation and our world. We are already seeing the impact of climate change here in New Hampshire with the increasing intensity of storms, fewer days with snow cover and the earlier spring blooms of some plants,



Governor Lynch

according to University of New Hamp-shire research.

Left unchecked, climate change could change the natural character of our state – from our fall foliage seasons

to winter skiing to spring maple sugaring to summer storms.

I believe our country needs national action and a national policy to address climate change. But I do not believe that New Hampshire can afford to wait for national action. We know how important stopping climate change is to the health of our citizens, the health of our economy, and the health of our environment.

That is why we are dedicating ourselves in New Hampshire to reducing the pollution that causes global warming and climate change. We've already passed the Clean Power Act, and this

Governor, continued on page 8

Northeast states call on EPA for stronger mercury controls

In late October, Gov. John Lynch and six other Northeastern governors called on the U.S. Environmental Protection Agency to reduce harmful mercury pollution blowing into the region from coal-fired power plants in the Midwest and other areas of the country.

The New England states and New York jointly submitted to EPA a cleanup plan, called the "Northeast Regional Mercury Total Maximum Daily Load" (TMDL), which continues to implement the states' Mercury Action Plans, and calls on EPA to require other states to take similar steps to reduce mercury emissions. The states say that under the Clean Water Act and the Clean Air Act, EPA has both the authority and the obligation to act to require other states to reduce mercury emissions.

Despite the Northeastern states' aggressive efforts to reduce mercury pollution, greater than 70 percent of the mercury impacting New England comes

Mercury TMDL, continued on page 8

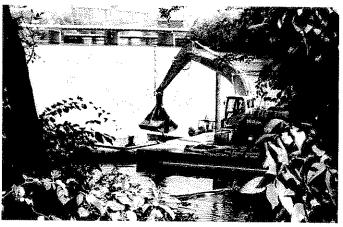
River cleaner at former gas plant

Tires. Lots of tires. An engine block. Railroad ties. Even a sunken bridge. These are some of the items KeySpan recently dredged from the contaminated sediments of the Merrimack River in Manchester as part of its remedial plan for the former manufactured gas plant (MGP) where gas was produced primarily from coal and oil. The main waste product of this type of gas produc-

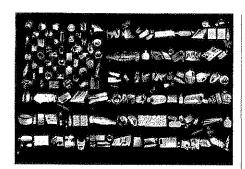
tion was coal tar, which contains various contaminants harmful to the environment and public health. As is typical, this coal tar ended up in river sediment.

KeySpan began dredging in May 2007 after completion of ex-

River Dredging continued on page 7



Approximately 10,000 cubic yards of sediment are expected to be removed from the Merrimack River in Manchester by the time the project is completed at the end of this year.



2006 municipal recycling rates

ES recently released the 2006 solid waste recycling rates for all New Hampshire municipalities, which averaged 20.6 percent overall. Municipal solid waste budgets total over \$100 million for the state, and the per capita expense to dispose of solid waste is approximately \$77.

Increasing recycling rates can have a beneficial effect on town budgets. DES estimates that a town's total budget could be reduced by \$1 million for every 1 percent increase in the rate. Municipalities can increase recycling by educating their residents in effective recycling and by instituting incentive programs such as pay-as-youthrow. Towns should also encourage their residents to participate in household hazardous waste diversion programs in order to prevent hazardous materials from being sent to landfills and incinerators.

Among the towns that have high recycling rates are Lancaster and Littleton, both of which have pay-asyou-throw programs. There are 46 towns in the state that have pay-asyou-throw in place, and another 112 have some form of charge for special items such as furniture, appliances or electronics.

The report is available on the DES website at www.des.nh.gov/SWTAS/ pdf/rec_mun.pdf. For more information about the report, please contact Don Maurer at (603) 271-3713. ■

River Dredging

continued from page 1

tensive investigations within the river, which involved drilling from barges, an ecological risk assessment, a mussel survey and deployment of scuba divers to mark and cut debris. The investigations identified an area of approximately 59,000 square feet of contaminated sediment for removal and approximately 10,000 cubic yards of sediment are expected to be removed by the time the project is completed in December 2007. Dredged sediment is off-loaded and processed at the former Jac Pac Foods property nearby and subsequently shipped off site for treatment at a thermal desorption facility. Once dredging is finished, a multilayer stone cap will be placed over the area, enabling full use of the river once again.

DES project manager Mike McCluskey stated that "DES considers the completion of the dredging work an important phase of the remedial action plan. The success of the project has in large measure been due the combined efforts of many parties working together."

Planning for the project required months of communication and coordination with numerous and diverse stakeholders, including: the City of Manchester, adjacent property owners, NH Fish and Game, US Fish and Wildlife Service, the Lower Merrimack River Local Advisory Committee and several programs at DES. The project was designed around fish spawning, eagle habitat, pedestrian access to the adjacent river walk, concurrent construction of the Hands Across



the Merrimack Bridge above the dredge area, and recreational users of the river.

"It took a lot of patience, negotiation and compromise to get all stakeholders on board with the project. But in the end, we went

from permitting to construction in less than six months and I think everyone recognized that the short term inconvenience was worth the longer term environmental benefits, both to the Merrimack River and the residents of Manchester," said KeySpan project manager Tricia Haederle.

What's on your plate?

Cupport conservation by purchasing a moose plate O for your vehicles. The proceeds benefit natural resource programs in the state, including LCHIP, wild-



life programs, state parks, and the State Conservation Committee's conservation grants program. The State Conservation Committee is a state agency made up of representatives of the ten county conservation districts and state natural resource agencies, including DES.





City of Manchester Office of the City Solicitor

One City Hall Plaza Manchester, New Hampshire 03101 (603) 624-6523 Fax (603) 624-6528

TTY: 1-800-735-2964

Email: solicitor@ManchesterNH.gov

Thomas R. Clark City Solicitor

Thomas I. Arnold, III Deputy City Solicitor

Daniel D. Muller, Jr. Michele A. Battaglia Gregory T. Muller Michael A. Beausoleil

January 30, 2008

Matt Normand, Deputy Clerk City Hall 1 City Hall Plaza Manchester, New Hampshire 03101



Re: Street Vendors and Electrical Supply

Dear Matt,

Pursuant to our meeting of this date and the ongoing issue that the Committee on Lands and Buildings would like to see addressed, I offer the following:

I cautioned last year, when Mr. McCarthy's request for a power source supplied by the City was questioned, that there were a number of concerns that existed.

- 1. Any energy expense would have been provided by the taxpayers.
- 2. A precedent for other street vendors who wanted equal consideration would be established.
- 3. Electrical problems that might affect a vendor's business, damage to their equipment or even injure the vendor could present the City with a potential liability claim.
- 4. Aesthetically, there is a standard by which the City of Manchester maintains regulatory review, for the type and condition of vendor stations that are permitted on our sidewalk areas.
- 5. The electrical outlets are keyed and an employee from Parks, even on weekends, would need to open and close the power source.



I will not comment on the health and sanitation standards. That is something that each vendor addresses with our health officials when dealing with the sale of food products.

The bottom line and to me the most important exposure of all, is the potential loss from electrical wiring, running on or near the public right of ways, such as parks, plaza areas, sidewalks or along the roadway. Should a pedestrian become injured, this would compromise and limit the City's defense afforded to us under the current immunity statute. The end result could be extremely costly to our taxpayers by a third party loss.

Therefore, after meeting with you, the City Solicitor and our Safety Manager, we are in agreement and would highly recommend that the Committee adopt a uniform policy for all street vendors, that their energy source be self contained and that source of power be clean, well maintained and quiet.

We want to have our citizens and guests enjoy their experience as they stroll the center city, in a safe and comfortable environment.

If you or the Committee have any further questions, I am only a phone call away.

Sincerely,

Harry G. Ntapalis Risk Manager

HGN/hms

cc: Thomas R. Clark, City Solicitor Kevin O'Neil, Safety Manager



PATRICIA H. CORNELL

RICHARD M. BUNKER LOUIS C. D'ALLESANDRO

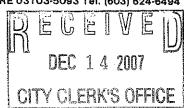
President

Clerk



MANCHESTER WATER WORKS

281 LINCOLN ST., MANCHESTER, NEW HAMPSHIRE 03103-5093 Tel. (603) 624-6494



DYLAN R. CRUESS WILLIAM A. BEATON Ex Officio HON, FRANK C. GUINTA

Mayor
THOMAS M. BOWEN, P.E. Director and Chief Engineer

ROBERT BEAURIVAGE, P.E.

December 14, 2007

Lands & Buildings Committee Board of Mayor and Aldermen c/o City Clerk City of Manchester One City Hall Plaza Manchester, NH 03101

Dear Committee Members:

The Board of Water Commissioners at their meeting on Wednesday, December 12, 2007 approved the staff's recommendation for the purchase of a 1.03-acre parcel of undeveloped watershed property located east of Proctor Road in Manchester.

The property is currently owned by the Estate of Athena Babotas c/o Joyce Artzer of Dallas, Texas and has an assessed valuation of \$16,400. Manchester Water Works has made a conditional offer on the property of \$5,000, which has been accepted by Mrs. Artzer.

The property in question is part of a large wetland that drains southeasterly toward Lake Massabesic and abuts numerous small parcels already under the ownership of the Manchester Water Works. Funding for this acquisition is available within a land purchase reserve established by the Board of Water Commissioners. The Committee's favorable consideration of this matter is requested.

Sincerely,

Thomas M. Bowen, P.E.

Director

TMB:ds

cc: C. Arthur Soucy, President, Board of Water Commissioners

Robert Beaurivage, P.E.

David Paris

Thomas Clark, City Solicitor David Cornell, Assessor

Memo



December 5, 2007

TO:

BOARD OF WATER COMMISSIONERS

FROM: THOMAS M. BOWEN, P.E., DIRECTOR

RE:

ARTZER PROPERTY OFF PROCTOR ROAD, MANCHESTER

Attached for the Board's consideration is a copy of a letter from Mrs. Joyce B. Artzer of Dallas, Texas, with regard to the acceptance of a conditional offer for the purchase by Manchester Water Works of a 1.03 acre parcel of property in Manchester east of Proctor Road.

Mrs. Artzer had approached the Manchester Water Works in the early fall as to our interest in acquiring the property from her family's estate. After a review of the area, it was determined that Manchester Water Works owns several other properties within the wetlands between Proctor Road and Candia Road for the protection of Lake Massabesic watershed. As indicated in my letter of October 30th, the property is unbuildable due to the amount of wetlands on the site, however, it was determined that a nominal offer would be made in the amount of \$5,000 to acquire the property, which according to tax records of the City of Manchester is valued at \$16,400.

IT IS THEREFORE RECOMMENDED THAT THE BOARD AUTHORIZE THE ACQUISITION OF THE PROPERTY AND AUTHORIZE STAFF TO PREPARE THE NECESSARY DOCUMENTS FOR APPROVAL BY THE BOARD OF MAYOR AND ALDERMEN.

TMB:ds

Attachment

Manchester Water Works

281 Lincoln St., Manchester, NH 03103, tel. 603-624-6494, fax: 603-628-6020

Joyce B. Artzer 2850 State Street Dallas, Texas 75204 214-954-9959 Email joyceartzer@msn.com

November 5, 2007

Mr. Thomas M. Brown, P.E Manchester Water Works 281 Lincoln St Manchester, NH 03103

Dear Mr. Thomas:

Thank you for your letter dated October 30, 2007. Please accept this letter as my acceptance of your offer to acquire my property, specifically Map 761 Lot 4 for the amount of \$5,000.00. I understand that it is necessary to seek the appropriate authorizations from the Board of Water Commissioner and the Board of Mayor and Alderman. I would expect these authorizations to be forthcoming without significant delay.

Please let me know if there is anything I need to do other than this letter to begin the process. Thank you for your cooperation. I look forward to hearing from you at your earliest convenience.

Sincerely,

Joyce B. Artzer

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MANCHESTER WATER WORKS

281 LINCOLN ST., MANCHESTER, NEW HAMPSHIRE 03103-5093 Tel. (603) 624-6494

C. ARTHUR SOUCY

PATRICIA H. CORNELL

RICHARD M. BUNKER LOUIS C. D'ALLESANDRO DYLAN R. CRUESS WILLIAM A. BEATON

Ex Officio HON, FRANK C. GUINTA Mayor

THOMAS M. BOWEN, P.E. Director and Chief Engineer

ROBERT BEAURIVAGE, P.E.

October 30, 2007

Mrs. Joyce Artzer 2850 State Street Dallas, TX 75204

Dear Mrs. Artzer:

As you are probably aware, Manchester Water Works owns a considerable amount of land surrounding Lake Massabesic and the streams and tributaries which feed into Lake Massabesic, the public drinking water supply for nearly 160,000 people in the greater Manchester area. The land is owned to insure that development does not occur in critical areas of the watershed. While your property located off of Candia Road in Manchester, specifically Map 761, Lot 4 abuts a stream which flows into the Lake, it is, however, nearly all wetlands. As such, it is protected against development and this already serves the purpose for which we would be interested in the property.

With that said, however, Manchester Water Works would be interested in making you a conditional offer of \$5,000, which we believe is justified given the fact that we own a number of abutting small parcels in the area.

If you are at all interested in accepting this conditional offer or simply donating the property to the Manchester Water Works as a gift, then it would be necessary for us to seek the appropriate authorizations from the Board of Water Commissioners and the Board of Mayor and Aldermen.

I look forward to hearing from you.

Sincerely,

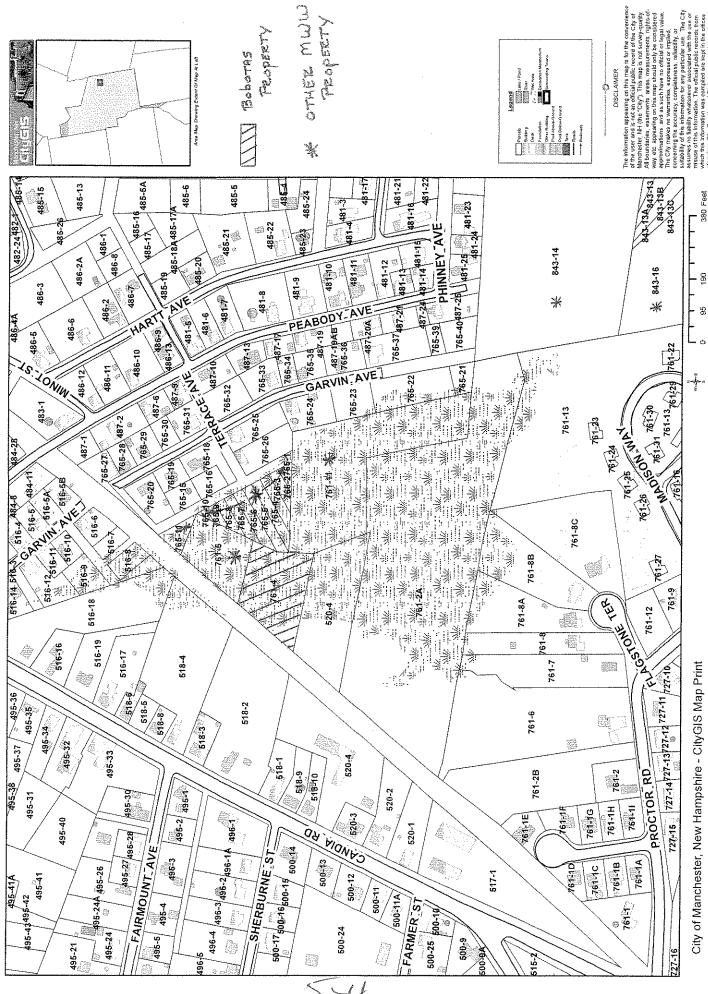
Thomas M. Bowen, P.E.

Jam Bowen

Director

TMB:ds





City of Manchester, New Hampshire - CityGIS Map Print



City of Manchester, NH - CityGIS

Map-Lot: 761-4

Parcel Location:

PROCTOR RD

Owner Name:

BOBOTAS, ATHENA ESTATE OF

Mailing Address: Mailing City State Zip: % JOYCE ARTZER
DALLAS TX 75204

Land Valuation:

16,400

Building Valuation:

16,400

Total Valuation: 2005 Land Valuation:

10,900

2005 Building Valuation:

2005 Total Valuation:

10,900

Land Area (acres):

1.03 44,865

Land Area (sq ft):

Vac Res Ub

Land Use:

Building Style:

n/a

Stories: Year Built:

Building Condition:

Exterior Siding:

Roof Structure:

Roof Cover:

Gross Building Area (sq ft):

Living Area (sq ft):

Rooms:

Bedrooms:

Bathrooms:

Interior Walls:

Interior Flooring:

THE HOURS

Heating Fuel:

Heating System:

Air Conditioning:

Sale Date:

Sep 16, 2007

Sale Price:

\$0 0/ 0

Book/Page: Last Updated Date:

Oct 16, 2007

5.5



CITY OF MANCHESTER Parks, Recreation & Cemetery Department

625 Mammoth Road Manchester, NH 03104-5491 (603) 624-6565 Administrative Office (603) 624-6514 Cemetery Division (603) 624-6569 Fax

COMMISSION

Stephen Johnson, Chairman Sandra Lambert, Clerk George "Butch" Joseph Michael Worsley Dennis Smith Chuck DePrima, Acting Director

January 9, 2008

Committee on Lands & Buildings City Hall 908 Elm Street Manchester, NH 03101

Re: City Land Transferred to Tires Inc. and acceptance of Easement across lot 378-1

Dear Members of the Committee:

As the Piscataquog Trailway proceeds from the original phase beginning at Turner Street and terminating at Main Street we have sought to continue in a westerly direction in the safest way possible. This preferred route will cross land currently owned by Tires Inc on lot 378-1 and an easement will need to be granted to the City by this land owner. In exchange for this easement, the City will grant land to the property owner (see attached plan). We respectfully request the city property be declared surplus and the easement be accepted subject to approval of the City Solicitor to draft and the Mayor to sign. This request is subsequent to a previous request to transfer an additional 35' of City owned property to Tires Inc.

This transaction will benefit the City by providing a safe and continuous corridor for the Piscataquog Trailway across Main Street and allow us to continue with future phases of the Trailway. Since this trailway will soon cross to the east side of the Merrimack River we anticipate a significant amount of pedestrian traffic this safe connection is more critical than ever.

Best Regards,

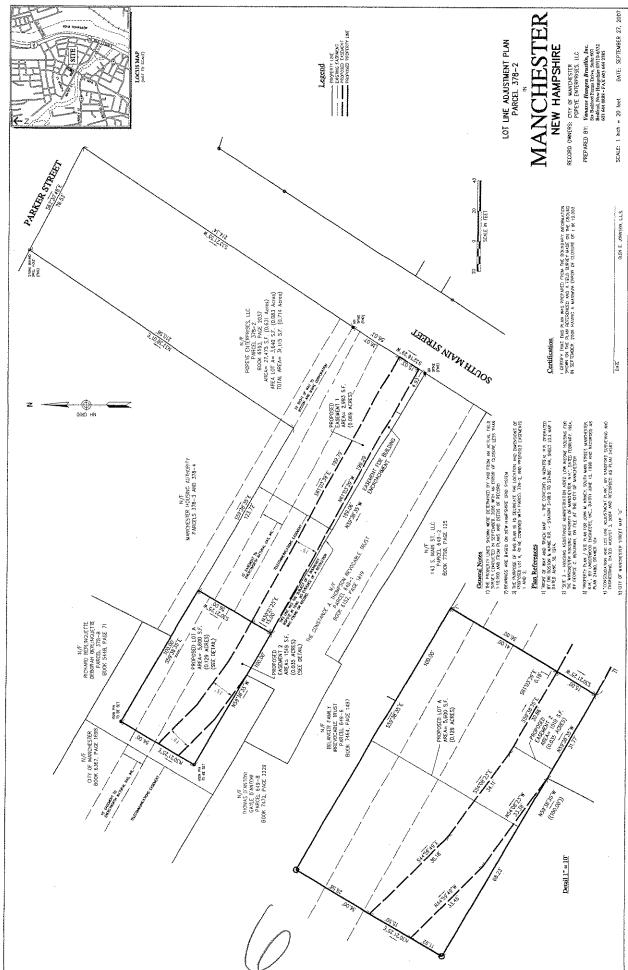
Chuck Del righa, Acting Director

Cc: Thomas Arnold, Deputy City Solicitor

Ram Maddali, Project Manager NHDOT Bureau of Municipal Highways Christopher Morgan, Administrator, NHDOT Bureau of Rail & Transit

Robert Mackenzie, Planning Director

Kevin Sheppard, Deputy Director Public Works



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